

# **Exhibit U**

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

In re Terrorist Attacks on September 11, 2001	03-md-1570 (GBD)(SN)  ECF Case
This document relates to:  <i>Thomas Burnett, Sr., et al. v. The Islamic Republic of Iran, et al.</i>	15-cv-9903 (GBD) (SN)  ECF Case

**DECLARATION OF MICHAEL A. TELESKA**

I, Michael A. Telesca, pursuant to 28 U.S.C. § 1746, do hereby declare under penalty of perjury as follows:

1. I am more than 18 years of age and competent to testify in court to the matters stated below. The statements made in this Declaration are based on my personal knowledge unless otherwise indicated.

2. I was a citizen of the United States on September 11, 2001, and remain so today. Attached as Exhibit A to this Declaration is a true and correct copy of my proof of citizenship.

3. On September 11, 2001, I was the Battalion Chief of the New York City Fire Department, Battalion 19, Bronx. Fellow members of Battalion 19 and I responded to the World Trade Center Towers immediately after the terrorist attacks occurred.

4. Upon arrival near 2 World Trade Center (South Tower), I noted to my fellow firefighters that at least five floors of the building were completely involved in flames.

5. As the Battalion Chief of Battalion 19, I then reported to the lobby of the Marriot Hotel, located at 3 World Trade Center. Immediately after my arrival in the lobby, the Marriott

Hotel collapsed after 2 World Trade Center also collapsed and crashed through all twenty-nine stories of the hotel.

6. Falling debris from the collapsing Marriott Hotel hit me on the head as the building came crumbling down around me. Due to the falling debris caused by these terrorist attacks, I suffered a herniated disc in my back and multiple lacerations, as well as a severe contusion of my right foot. I passed out, and when I regained consciousness, I was vomiting dust that I had inhaled during the destruction of the building.

7. Following this horrific set of events in the lobby of the Marriott Hotel, several of my fellow firefighters and I were trapped in the dark, dusty, and debris-filled lobby of the hotel for another twenty minutes before we were able to somehow escape out onto West Street outside of the hotel. Shortly thereafter, I was caught in the subsequent collapse of 1 World Trade Center (North Tower), and I was completely covered in the dust and debris from the destruction of this building.

8. In the course of the above terrorist attacks and my escape, I witnessed atrocities beyond the imagination of the average citizen. The situation could only be compared to a war zone. I was going about my everyday life in a peaceful manner when we were brutally attacked by terrorists and my life was altered forever. Attached as Exhibit B to this Declaration is an article from the April 2002 edition of Firehouse Magazine in which I recounted my story from the September 11<sup>th</sup> terrorist attacks, as well as select photographs related to my experiences in this horrific event.

9. I immediately sought medical attention for my physical injuries. Paramedics took me by ambulance to Columbia-Presbyterian Hospital on the day of the attacks, and I received treatment for my injured back, my body lacerations, and my injured foot. Regarding my back

injury from 9-11, I specifically suffered a partial disc desiccation as well as diffuse posterior bulging at L4-5 and L5-S1. My doctors diagnosed me as having discogenic disease of my lumbar spine. Further, these terrorist attacks caused me to experience other injuries in the years after the event, including the following: surgery to remove 1/3<sup>rd</sup> of my colon in 2010, surgery for sinusitis in April of 2012, surgery to remove potentially cancerous lesions on my back in December of 2012, and a diagnosis of sleep apnea also in 2012. Attached as Exhibit C to this Declaration are true and correct copies of select relevant medical records and photographs related to the treatment that I received because of these horrific terrorist attacks.


10. Because of these terrorist attacks and the events that I witnessed, I also began to suffer profound post-traumatic stress. I received weekly treatment with a psychiatrist for several years following my survival and escape after the terrorist attacks. My post-traumatic stress condition was so severe that I had to retire on disability from my beloved job as a fire fighter in May of 2003. Indeed, the Medical Board of The New York Fire Department and Pension Fund found on September 25, 2002, that I was permanently disabled due to my PTSD related to the events of 9-11. I suffered, and continue to suffer, severe emotional distress because of the above terrorist attacks. I suffered and continue to suffer from anxiety and bouts of depression due to the traumatic events of these terrorist attacks. Indeed, I have been under the care of a psychiatrist for the past eighteen years, and my doctor has continued to prescribe to me no less than three medications for my ongoing PTSD. Exhibit C also includes true and correct copies of my select relevant psychiatric records related to the treatment that I received because of these horrific terrorist attacks.

11. I previously pursued a claim through the September 11<sup>th</sup> Victim Compensation Fund (VCF I Claim Number 212-002460) specifically related to my physical and emotional injuries and

my economic losses caused by the September 11<sup>th</sup> attacks. While the VCF deemed my claim compensable as to my physical injuries, I was extremely disappointed that the fund denied my claims for my severe and debilitating emotional distress and my significant economic losses.

I declare UNDER PENALTY OF PERJURY that the foregoing is true and correct.

EXECUTED on this 23 day of December 2019.

  
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Signature of Affiant Michael Telesca

# **Exhibits Filed Under Seal**